



June 3, 2011

By U.S. Mail

United States District Court
Southern District of New York
Hon. Lisa Margaret Smith
United States Magistrate Judge
300 Quarropas Street
White Plains, New York 10601

R.E. & Donald Roth v. United States

09 Civ. 8712 (9BD/LMS); 02 Civ. 1503 (CM/LMS)

Dear Judge Smith,

I write in regard to the above entitled actions in which I am the petitioner-defendant, proceeding pro-se, in forma pauperis, and incarcerated in the Federal Bureau of Prisons ("BOP"), housed in the segregated housing unit ("SHU").

On the grounds and for the reasons that follow, I respectfully request that the Court issue an order as follows:

One, the Clerk of the Court is directed to mail the petitioner-defendant copies of the following docket entries:

(a) 09-CV-8712;

(1) #1 82255 motion;

(2) #28 Reply Memorandum;

(B) 02-Cv. 1503;

(1) #223 82255 amended motion;

(2) #220 memorandum in support.

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two; the petitioner-defendant is granted leave to file any written response objections, to any findings and recommendations of the magistrate within forty-five (45) days after being served with a copy of the recommended disposition, pursuant to F. R. Civ. P. 6(b)(7)(A); 72(d);

three, the Clerk of the Court is directed to mail the petitioner-defendant, a copy of the Southern District of New York Local Rules, and Individual Practice Rules of the District and Magistrate Judges assigned to the actions;

four, the Clerk of the Court is directed to, pursuant to F. R. Civ. P. 5.2(d), seal the following docket entries, inclusive of this letter-motion:

(a) 09-cv-8712;

(1) #22, #23

(b) 02-cr-1503;

(1) #213, #218, #250, #257, and

five, the Clerk of the Court is directed to mail the petitioner-defendant a copy of this letter-motion and attached exhibits and provide the government with same, and six, such other and additional relief as this Court deems just and equitable.

Argument

1) I was placed in "protective custody" in SHU, on April 19, 2011, and am on "Cell-Along" status, because of threats to my safety by inmates. Ex A2;

2) In SHU, I am suffering from multiple, non-union, ramie rib fractures, unhealed after two and one-half years, caused by a chronic cough from post-nasal drip and allergies, causing severe pain and difficulty concentrating. Ex A1;

3) The BOP, between April 19, 2011 and present, cannot locate the documents referred to in relief section (I)(a-b) above, ~~and are not located in the records~~, previously located in several legal boxes in my property, and necessary to refer to in support or opposition to any recommended disposition by the Magistrate pursuant

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5) Because in SHU, and as a result of my rib injury, I don't have access to a copier, will require additional time to respond to any future recommended disposition by the Magistrate, and need a copy of this letter-motion and exhibits. I only see my "Unit-Team" once every seven days (sometimes more), only they can make copies on my behalf, and that process can take in excess of fourteen days, as a rule of thumb.

6) The inmates who threatened my safety, through contacts on the "street", can access the documents I am requesting ^{ing} be sealed, through www.PICER.gov, for instance, or the Clerk of the Court. These documents contain requests to cooperate with the government in unrelated matters, and will subject me to additional risks while incarcerated.

~~Respectfully,~~ Thank You for your consideration.

Respectfully,

FCJ Sandstone

DONALD ROTH, 83933-054 SHU

P.O. Box 1000

Sandstone, MN 55072

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name: ROTH, DONALD		Reg #: 83933-054
Date of Birth: 04/02/1969	Sex: M Race: WHITE	Facility: SST
Note Date: 04/06/2011 13:23	Provider: Harvey, Paul MD, RMD	Unit: K11

Admin Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Harvey, Paul MD, RMD

Need to cancel CXR Request from yesterday 4/5/2011.

Discontinued Radiology Request Orders:

<u>Details</u>	<u>Frequency</u>	<u>End Date</u>	<u>Due Date</u>	<u>Priority</u>
General Radiology-Ribs-General	One Time		04/09/2011	Today

Specific reason(s) for request (Complaints and findings):

TO INCLUDE OBLIQUES. RT LAT MID AXILLARY CREPITATION AND PAIN OBLIQUES REQUESTED ON FORMAL READ. ** See below**

Charet Review done by me on 4/9/2011. Additional CXR's are not medically indicated. The inmate has multiple non-union remote rib fractures which will not heal now two years after the injury. PTH, MD, CD 4/6/2011.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Harvey, Paul MD, RMD on 04/06/2011 13:28

A1


**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name: ROTH, DONALD		Reg #: 83933-054
Date of Birth: 1969	Sex: M Race: WHITE	Facility: SST
Note Date: 04/28/2011 15:48	Provider: Harvey, Paul MD, RMD	Unit: Z01

Consultation encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Harvey, Paul MD, RMD

~~_____~~

The inmate is now in the Special Housing Unit for Protective Custody suspected threats to his person from other inmates on the Compound because of his suspected and alleged legal activities as a former attorney.

The investigation is on-going.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Harvey, Paul MD, RMD on 04/28/2011 15:52

~~_____~~ (AQ)